

# Administrative Office of the Courts

Supreme Court of New Mexico

Arthur W. Pepin, Director  
Patrick T. Simpson, Deputy Director



237 Don Gaspar, Room 25  
Santa Fe, NM 87501  
(505) 827-4800  
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## **New Mexico Language Access Advisory Committee AGENDA**

Friday, January 11, 2013: 9:00 a.m. – Noon  
Hearing Room 510, Second Judicial District Court  
400 Lomas, Albuquerque

The meeting will be video-conferenced from Hearing Room 510, Second Judicial District Court, Albuquerque; Doña Magistrate Court small conference room; and AOC conference room. Please contact [aocpjs@nmcourts.gov](mailto:aocpjs@nmcourts.gov).

Teleconferencing available at: 1-888-757-2790, passcode 573116

1. Introductions & Welcome
2. Approval of Agenda
3. Approval of November 9, 2012 Meeting Minutes

### UNFINISHED BUSINESS

4. Cancellation Policy Recommendations – see attachment
5. Report/Recommendations from Classification Work Group – see attachments
  - Performance Evaluations
  - NES Juror Standards of Practice Work Group
6. Tracking Interpreter Usage via Odyssey – see attachments

### NEW BUSINESS

7. Recommended Change to Certification Testing Policy – see attachment
8. Recommendations related to Signed Language Interpreters:
  - a. Report on minor changes to Signed Language Interpreter Classifications
  - b. Proposed new Continuing Education policy for signed language

interpreters

9. Recommendations to Supreme Court for NM Judicial Translation Project work group membership
10. NM Language Access Summit – Fall 2013

#### REPORTS & UPDATES

11. Working with Signed Language Interpreters Bench Card for Judges
12. Judicial Conclave 2013
13. JEC Interactive Training/Tutorial Options
14. Update on SJI Grant – Ensuring Language Access Outside the Courtroom
15. 2013 NM Interpreters Conference

NEXT MEETING: Friday, March 8<sup>th</sup> 9:00 a.m. – Noon  
All 2013 Meetings will be held in Hearing Room 510 and available by video conference from selected locations.

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## New Mexico Language Access Advisory Committee MINUTES

Friday, November 9, 2012

### Members Present

Weldon Neff  
Renee Valdez  
Blanche Raymond  
Andrea Cutter  
Lisa Dignan  
Rosa Lopez-Gaston

### Members Absent

Arthur Pepin  
Shoshana Epstein

### AOC Staff

Pam Sánchez

**Guests** Aimee Rivera, Paula Couselo, Barbara Shaffer, Justice Edward Chavez, Ellen Roth, Elizabeth Mayes, Barbara Creel

### 1. Introductions & Welcome

Chair, Weldon Neff, called the meeting to order at approximately 9:10 a.m. He announced the resignation of Graciela Palafox-Ogas and noted that the vacancies due to Judge Freddie Romero's resignation from the committee and Justice Patricio Serna's retirement have not yet been filled. Following introductions, a quorum was established.

2. The agenda was approved by consensus.

3. The meeting minutes of September 13 and 14 2012 were approved by consensus.

4. Cancellation Policy Recommendations – see attachment

Discussion focused on two primary issues:

- How to track when someone works and is paid for interpreting during the time they are receiving guaranteed pay; and
- Is it appropriate or legal to have different guaranteed pay policies for signed language interpreters and spoken language interpreters.

The committee agreed that no action would be taken pending the following:

- A report from Pam Sánchez regarding options for tracking interpreters work during guaranteed payment periods; and

- A legal opinion regarding maintaining discrepancies in guaranteed pay between spoken and signed language interpreters.

## 5. Report/Recommendations from Classification Work Group

### Signed Language Interpreter Classifications

Lisa Dignan reviewed the recommendations of the Legal Interpreting Task Force to:

- Change names of three types of ASL interpreters- see table attached – to better reflect the level of Registry of Interpreters for the Deaf (RID) certification;
- Clarify deaf vs hearing interpreters;
- Add certain qualification requirements;
- Document continuing education requirements according to RID standards;
- Change requirement for Certified Deaf Interpreter by replacing the SC:L written test with CLP R which is specifically for deaf interpreters.

It was clarified during the discussion that the changes do not involve any changes in hourly rates, but rather clarify and increase the requirements to be consistent with RID standards. It was also clarified that the certified -apprentice level interpreters cannot do trials, except traffic, nor may they interpret for jurors.

**ACTION: It was moved by Lisa Dignan and seconded by Rosa Lopez-Gaston that LAAC accept these new sign language interpreter categories (see attached chart) and requirements as proposed. All members present voted yes. The motion passed.**

### Qualifications for Interpreters Interpreting for Court-Ordered Services

*It is recommended that the following qualifications be established for individuals providing interpreting services for Supervised Visitation/Safe Exchange, DWI School, Parenting Classes, Victim Impact Panel, court-ordered counseling, and similar services (excluding any Alternative Dispute Resolution):*

#### Signed Language Interpreters

Interpreters providing services in the above listed situations must have attended a special AOC orientation (at no charge) specific to court ordered services. Additionally, interpreters must be on the AOC's list of Court Approved Signed Language Interpreters (Certified Legal Specialist, Certified Legal Registered, or Certified Legal Apprentice) or have met the following requirements to be recognized as a Court Ordered Services Interpreter (COSI): hold a NM Community Interpreting license; and complete an application and background check. Interpreters who meet the above requirements will be included in the AOC Registry of Interpreters Qualified for Court Ordered Services.

It is recommended that rates of pay be negotiated by the interpreter and the service provider.

#### Spoken Language Interpreters

Interpreters providing services in the above listed situations must have attended a special AOC orientation (at no charge) specific to court ordered services.

Additionally, spoken language interpreters providing services in the above listed situations must be recognized by the AOC as Justice System or Court Certified Interpreter or have met the following requirements to be recognized as a Court Ordered Services Interpreter (COSI): Have completed the Oral Proficiency Interview (OPIc) in English and their other language, scoring at minimum as Advanced High; have completed a two day AOC orientation at no charge; submit evidence satisfactory completion of a 20 hour NMCLA simultaneous interpreting course at their own expense (\$100-\$150); and complete an application and background check. COSIs will be required to verify 10 hours per year of related continuing education and agree in writing to abide by the New Mexico Code of Professional Conduct for Interpreters.

It is recommended that the rate of pay be established by the AOC at \$25.00 per hour for interpreting time; \$15.00 per hour for travel time as currently stipulated for Justice System Interpreters.

### Orientation

Day One- Overview of Services by Providers, for both spoken and signed language Interpreters.

Day Two – Specialized Vocabulary for spoken language interpreters.

*It is recommended that the following qualifications be established for individuals providing interpreting services for Children's Court Mediation, Settlement Conferences, AOC Contract Attorneys, Court Appointed Special Advocates and similar services:*

### Signed Language Interpreters

Interpreters providing services in the above listed situations must be in the AOC's Directory of Certified Court Interpreters as a Certified Legal Specialist, Certified Legal Registered, or Certified Legal Apprentice Interpreter. It is recommended that rates of pay as established by AOC for the provision of court interpreting services by the interpreters identified above be applied.

### Spoken Language Interpreters

Interpreters providing services in the above listed situations must be in the AOC's Directory of Certified Court Interpreters as a Certified Court Interpreter (not Justice System Interpreter).

It is recommended that rates of pay as established by AOC for the provision of court interpreting services by the interpreters identified above be applied.

### Bilingual Mediators and Attorneys

Mediators and attorneys who identify as bilingual in order to be approved to provide services in a language other than English must take and pass the Oral Proficiency Interview (OPIc) in both English and their other language at a Superior level.

**ACTION: It was moved by Lisa Dignan and seconded by Andrea Cutter that the qualification standards above, for interpreters providing language access for court ordered services and for bilingual mediators, attorneys, and so forth, be approved. All members present voted yes. The motion passed.**

### Spoken Language Court Interpreter Classification and Entry Requirements

The recommendations discussed were:

- Any interpreter with a Bachelors Degree in any field, regardless of experience, if certified shall be paid at \$50.00 per hour; and
- To begin the certification process a candidate must provide verification of a high school graduation or equivalency and 60 credit hours higher education from an accredited institution or successful completion of the Justice System Interpreting program offered by the New Mexico Center for Language Access.

Discussion focused on whether or not experience should be considered in allowing a certified interpreter to move to the \$50.00 per hour level without a bachelors degree; whether or not performance would be evaluated prior to moving to the \$50.00 level; and whether or not the bachelors requirement is fair for Navajo interpreters.

**ACTION: It was moved by Alex Araiza moved and seconded by Lisa Dignan that the recommendations as stated be approved. The motion passed by show of hands as follows: Ayes: Alex Araiz, Lisa Dignan, Renee Valdez; Nays: Andrea Cutter, Blanche Raymond; Abstention: Rosa Lopez-Gaston.**

### Performance Evaluations

It was recommended that performance evaluations be conducted every two years (same as continuing education cycle) by appointed evaluators, with the interpreter calling the evaluator to schedule the evaluation. The completed evaluation would be required prior to the re-issuing of the interpreter's photo identification badge. It was agreed by consensus to table this item and the following information was requested:

- Sample/s of interpreter performance evaluation forms;
- Recommendations regarding consequences should an interpreter receive a negative evaluation; and
- Options for scheduling the evaluations in a more anonymous manner.

### NES Juror Standards of Practice Work Group

The committee agreed to table appointment of a work group or sub-committee to develop recommendations regarding standards of practice for interpreting for jurors until its January 2013 meeting.

## 6. Committee Membership Recommendations to the Supreme Court

It was moved by Lisa Dignan and seconded by Blanche Raymond and passed unanimously by a vote of the members present that:

- Renee Valdez and Rosa Lopez-Gaston would be recommended to the Supreme Court for reappointment to the LAAC;
  - Shoshanah Epstein would not be recommended for reappointment, though encouraged to attend LAAC meetings whenever possible;
  - Dr. Barbara Shaffer would be recommended to fill the position previously held by Ms. Epstein;
  - The following new members would also be recommended to the Court for appointment: Amy Lovekin, Freelance Interpreter, Albuquerque; Barbara Creel, Professor, UNM School of Law; Catalina Ybarra, Jury Manager, Fifth JD Court, Roswell; Magdalena Giron, Freelance Interpreter, Las Cruces; Honorable Nan Nash, Judge, Second Judicial District; and
  - The category of non-voting member be eliminated.
7. There was a brief discussion of the new court Interpreter rules, adopted by the Supreme Court 10/15/12, effective 1/1/2013, and Standards of Practice, a related document developed by the LAAC. Many of the rules/standards have already been implemented, some have not. Plans are to conduct several webinars in late November/early December to introduce the rules to interpreters. Similar sessions may be scheduled for court staff and judges.
  8. Tracking Interpreter Usage via Odyssey – see attachments  

Weldon discussed his recent meeting with Renee Casio and Louise Baca-Sena regarding Odyssey. Rosa will provide information regarding her issues with Odyssey within two weeks. Pam will send something out to all contract interpreters asking them for their input by Nov 28<sup>th</sup> as deadline. The point was also made that additional training for court staff is needed because Odyssey is only as good as the information entered.
  9. Recommended Change to Certification Testing Policy – see attachment  

Tabled to January meeting.
  10. Report from Language Access Summit ([www.ncsc.org/languagesummit](http://www.ncsc.org/languagesummit))  

Weldon reported on the NCSC summit held October 1-3 with SJI funding. The New Mexico team was comprised of Justice Edward Chavez, Judge Nan Nash, AOC Director, Artie Pepin, Weldon Neff, Pam Sánchez, and Paula Couselo. The event included both plenary and workshop session on several topics including DOJ information and language access best practices. Justice Chavez presented New Mexico priorities for moving forward as identified by the team during state-specific work sessions. The NM top priority was more training for judges and court staff; translation of documents; and quality control. The team that attended the summit hopes to hold a similar NM summit in September 2013 for Chief and Presiding Judges, Court CEOs, and Court Managers.
  11. Lisa Dignan and Barbara Creel recommended that there be committee orientation scheduled for new LAAC members. Pam reported that a webinar orientation was conducted in 2012. Barbara asked that the orientation include

historical and descriptive information regarding the committee's charge and work.

12. Update on SJI Grant – Ensuring Language Access Outside the Courtroom  
Pam and Paula Couselo reported on this new national project that started October 1. Several state courts are collaborating with NM on this project to develop online language training for court staff and bilingual court employees. Collaborating states are: Alaska, Arizona, Colorado, Nebraska, New Jersey, and North Carolina. Wisconsin state courts are also represented on the Advisory Group. The training will include three modules: Theory – All court employees – interactive/from various perspectives; Practice— for bilingual court staff, vocabulary, legal terminology, sight translation/ consecutive interpreting/ customer services/ 7-8 languages; and Skills Assessment – bilingual staff – terminology, ethics questions/audio exercises graded. It will be designed to be accessed from work or at home.

NEXT MEETING:      Friday, January 11<sup>th</sup> 9:00 a.m. – Noon  
For full 2013 meeting schedule, please see attachment.





**WELDON J. NEFF**  
COURT EXECUTIVE OFFICER

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December 13, 2012

Arthur Pepin  
NM Administrative Office of the Courts  
237 Don Gaspar, Room 25  
Santa Fe, New Mexico 87501

Dear Mr. Pepin:

On behalf of the Language Access Advisory Committee, I am pleased to share the attached recommendations approved by the committee at its meeting on November 9, 2012 for your approval. I understand these recommendations may also require Supreme Court review and approval and ask that you forward them on to the Court should this be appropriate or required.

The committee's recommendations (details attached) are:

Recommendation 1:

Classification Naming Changes for Court Qualified Signed Language Interpreters

Since these changes do not have any fiscal impact and have the approval of the New Mexico Commission for the Deaf & Hard of Hearing. They have been incorporated into the Standards of Practice & Payment Policies.

Recommendation 2:

Establishment of Qualifications for Interpreters Interpreting for Court-Ordered Services

Recommendation 3:

Change to Certified Court Interpreters (Spoken Languages) Hourly Rates Based on Education

Recommendation 4:

Establishment of New Mexico Court Certification Process Entry Requirements

Recommendations 2 -4 were developed by a geographically diverse statewide work group convened by the Language Access Advisory Committee and

included staff and freelance interpreters, representing both spoken and signed language interpreters.

Should you have any questions regarding these recommendations, please feel free to contact me or Pam Sánchez.

Sincerely,

A handwritten signature in black ink, appearing to read 'Weldon J. Neff', followed by a long horizontal line.

Weldon J. Neff  
Court Executive Officer

Cc: LAAC Members

**New Mexico Supreme Court  
Language Access Advisory Committee Recommendations  
Approved by the Committee - November 9, 2012**

**Recommendation 1: Signed Language Interpreter Classifications**

As developed by the Legal Interpreting Task Force of the New Mexico Commission for the Deaf & Hard of Hearing the classification naming changes (see table attached):

- Better reflect the level of Registry of Interpreters for the Deaf (RID) certification;
- Clarify deaf vs hearing interpreters;
- Add certain qualification requirements;
- Document continuing education requirements according to RID standards;
- Change requirement for Certified Deaf Interpreter by replacing the SC:L written test with CLP R which is specifically for deaf interpreters.
- Do not involve any changes in hourly rates, but rather clarify and increase the requirements to be consistent with RID standards.

**Recommendation 2: Establishment of Qualifications for Interpreters Interpreting for Court-Ordered Services**

1. For individuals providing interpreting services for Supervised Visitation/Safe Exchange, DWI School, Parenting Classes, Victim Impact Panel, court-ordered counseling, and similar services (excluding any Alternative Dispute Resolution):

Signed Language Interpreters

Interpreters providing services in the above listed situations must have attended a special AOC orientation (at no charge) specific to court ordered services. Additionally, interpreters must be on the AOC's list of Court Approved Signed Language Interpreters (Certified Legal Specialist, Certified Legal Registered, or Certified Legal Apprentice) or have met the following requirements to be recognized as a Court Ordered Services Interpreter (COSI): hold a NM Community Interpreting license; and complete an application and background check. Interpreters who meet the above requirements will be included in the AOC Registry of Interpreters Qualified for Court Ordered Services.

It is recommended that rates of pay be negotiated by the interpreter and the service provider.

Spoken Language Interpreters

Interpreters providing services in the above listed situations must have attended a special AOC orientation (at no charge) specific to court

ordered services. Additionally, spoken language interpreters providing services in the above listed situations must be recognized by the AOC as Justice System or Court Certified Interpreter or have met the following requirements to be recognized as a Court Ordered Services Interpreter (COSI): Have completed the Oral Proficiency Interview (OPIc) in English and their other language, scoring at minimum as Advanced High; have completed a two day AOC orientation at no charge; submit evidence satisfactory completion of a 20 hour NMCLA simultaneous interpreting course at their own expense (\$100-\$150); and complete an application and background check. COSIs will be required to verify 10 hours per year of related continuing education and agree in writing to abide by the New Mexico Code of Professional Conduct for Interpreters.

It is recommended that the rate of pay be established by the AOC at \$25.00 per hour for interpreting time; \$15.00 per hour for travel time as currently stipulated for Justice System Interpreters.

#### Orientation

Day One- Overview of Services by Providers, for both spoken and signed language Interpreters.

Day Two – Specialized Vocabulary for spoken language interpreters.

2. For individuals providing interpreting services for Children's Court Mediation, Settlement Conferences, AOC Contract Attorneys, Court Appointed Special Advocates and similar services:

#### Signed Language Interpreters

Interpreters providing services in the above listed situations must be in the AOC's Directory of Certified Court Interpreters as a Certified Legal Specialist, Certified Legal Registered, or Certified Legal Apprentice Interpreter. It is recommended that rates of pay as established by AOC for the provision of court interpreting services by the interpreters identified above be applied.

#### Spoken Language Interpreters

Interpreters providing services in the above listed situations must be in the AOC's Directory of Certified Court Interpreters as a Certified Court Interpreter (not Justice System Interpreter).

It is recommended that rates of pay as established by AOC for the provision of court interpreting services by the interpreters identified above be applied.

#### Bilingual Mediators and Attorneys

Mediators and attorneys who identify as bilingual in order to be approved to provide services in a language other than English must take and pass the Oral Proficiency Interview (OPIc) in both English and their other language at a Superior level.

**Recommendation 3: Certified Court Interpreters (Spoken Languages) Hourly Rates**

Any interpreter with a Bachelors Degree in any field, regardless of experience, if certified and in good standing shall be paid at \$50.00 per hour. All other certified court interpreters will continue to be paid the current rate of \$46 per hour.

**Recommendation 4: Establishment of New Mexico Court Certification Process Entry Requirements**

To begin the court interpreter certification process in New Mexico a candidate must provide verification of high school graduation or equivalency **and** 60 credit hours higher education from an accredited institution or successful completion of the Justice System Interpreting program offered by the New Mexico Center for Language Access.

**NMCDHH Legal Interpreting Task Force Recommendations to the  
New Mexico Language Access Advisory Committee  
Friday, November 9, 2012**

The NMCDHH Legal Interpreting Task Force fully supports the proposal brought forth from the Classification Subcommittee regarding qualifications for Court Ordered Services Interpreters (COSIs).

The NMCDHH Legal Interpreting Task Force recommends the following categories and requirements be adopted for signed language interpreters serving the New Mexico State Courts:

<b>Certified: Legal Specialist</b>	
<b>Deaf Interpreters</b>	<b>Hearing Interpreters</b>
Conditional Legal Interpreting Permit: Relay (CLIP-R)	Specialist Certificate: Legal (SC:L)
Certified Deaf Interpreter (CDI)	
New Mexico Community License	New Mexico Community License
AA Degree or alternative pathway (BA in 2016)	BA Degree or alternative pathway
AOC Orientation	AOC Orientation
AOC Application	AOC Application
Background check	Background check
2.0 Legal CEUs in each 4-year RID CMP cycle	2.0 Legal CEUs in each 4-year RID CMP cycle
4 hours (.4 CEUs) ethics in each 4-year cycle	4 hours (.4 CEUs) ethics in each 4-year cycle
<b>Certified: Legal Qualified</b>	
<b>Deaf Interpreters</b>	<b>Hearing Interpreters</b>
Certified Deaf Interpreter (CDI)	RID Generalist Certification
New Mexico Community License	New Mexico Community License
Legal Training sufficient for SC:L Written test	Pass SC:L Written Test
AA Degree or alternative pathway (BA in 2016)	BA Degree or alternative pathway
AOC Orientation	AOC Orientation
AOC Application	AOC Application
Background check	Background check
2.0 Legal CEUs in each 4-year RID CMP cycle	2.0 Legal CEUs in each 4-year RID CMP cycle
4 hours (.4 CEUs) ethics in each 4-year cycle	4 hours (.4 CEUs) ethics in each 4-year cycle
<b>Certified: Legal Apprentice</b>	
<b>Deaf Interpreters</b>	<b>Hearing Interpreters</b>
New Mexico Provisional License	RID Generalist Cert.
CDI Training sufficient to take CDI Written test	New Mexico Community License
AOC Orientation	AOC Orientation
AA Degree or alternative pathway (BA in 2016)	BA Degree or alternative pathway
AOC Application	AOC Application
Background check	Background check
2.0 Legal CEUs in each 4-year RID CMP cycle	2.0 Legal CEUs in each 4-year RID CMP cycle
4 hours (.4 CEUs) ethics in each 4-year cycle	4 hours (.4 CEUs) ethics in each 4-year cycle
No trials or jury	No trials or jury

Additional clarification of requirements:

- The degree requirements follow RID's established Educational Requirements.
- The 2.0 Legal CEUs per CMP cycle follows RID's requirement for SC:L holders.
- The 4 hours of ethics each CMP cycle mirrors the requirements established by the AOC for spoken language interpreters.
- Details regarding how the 2.0 Legal CEUs will impact those entering the Certified: Legal Apprentice category near the end of their CMP cycle will be sorted out later and may be determined on a case-by-case basis.
- Signed language interpreters will submit a copy of their RID CEU Transcript to the AOC at the end of their respective 4-year CMP cycles.

## To replace Paragraph E. of the PAYMENT POLICIES AND PROCEDURES

### E. Guaranteed Payment Due to Cancellation with Less than 24 Hours Notice

For one full-day assignments cancelled with less than 24 hours notice (excluding weekends and legal holidays) spoken language interpreters will be guaranteed a four-hour cancellation fee. Signed language interpreters will be paid a full-day cancellation fee.

For multiple day assignments cancelled with less than 24-hours notice (excluding weekends and legal holidays), spoken and signed language interpreters will be reimbursed for one half of the scheduled interpreting assignment. The interpreter must be available to the court for interpreting reassignment during the cancelled time for which payment is guaranteed. The interpreter must not leave the courthouse without being excused by their primary court contact, e.g., the presiding judge, chief clerk, or supervising interpreter.

If original assignment did not include overnight travel, the interpreter may decline said assignments. The interpreter may be reassigned to a different court location in the same county, as long as travel time plus interpreting assignment is not expected to exceed the time period for which cancellation payment is guaranteed. If interpreting assignment plus travel time exceed the time period for which cancellation payment is guaranteed, the interpreter will be paid the additional fees corresponding to the additional hours worked.

Should the interpreter be unavailable at any time during the guaranteed payment period, the interpreter must inform the original court.

Example: An interpreter is scheduled for a three day trial (Tuesday-Thursday) in District Court A. Interpreter must report to the courtroom by 8:00 am each day. On Tuesday at 10:00 am the defendant pleads and the trial is cancelled. The interpreter is entitled to payment for one half of the entire assignment, in this example, a full day on Tuesday and half day on Wednesday (12 hours). During the remainder of Tuesday and half a day on Wednesday the interpreter must remain available for interpreting assignments only (this does not include written translations or any clerical duties). Given this example, below are some possible scenarios:

a) If the interpreter services are not required during that time (Tuesday and half a day on Wednesday), the interpreter will be paid the guaranteed cancellation fee of one full and one half day (12 hours in this example). The interpreter will remain available until the guaranteed cancellation hours have expired.

b) The interpreter is requested for a two hour mediation on Tuesday afternoon at the original court location. The fee for the time worked during that Tuesday afternoon will be included in the cancellation fee.



c) The interpreter was available all day Tuesday and 4 hours Wednesday morning but no assignments required his/her services during that time. However he/she is called for a child support hearing on Wednesday afternoon at the original court location. The interpreter will be entitled to the original guaranteed cancellation fee (one full and one half day) plus the hours worked during the child support hearing on Wednesday afternoon, which period falls outside of the time period for which cancellation fee was guaranteed.

d) The interpreter is requested for a hearing in a different court location on Tuesday afternoon. If travel time plus interpreting assignment do not exceed 4 hours, the fee for the time worked in the afternoon will be included in the cancellation fee. If travel time plus interpreting assignment exceed 4 hours, the interpreter will be compensated for the additional time worked. Interpreter will also receive compensation for mileage

e) The interpreter accepts a full-day assignment for Wednesday in a different court location, and he/she works the full day. The interpreter will be entitled to payment for the additional half day, since the morning of Wednesday is already included in his/her guaranteed cancellation fee.

f) The interpreter is called for a hearing on Wednesday morning in the original courtroom. If the interpreter declines, whatever the reason, the interpreter forfeits payment for the time period of the assignment declined.

For purposes of cancellation fees, a full-day is equal to 8 hours; a half day is equal to 4 hours.

Invoices for multiple day assignments will be submitted to and signed by the responsible person on a daily basis.

## **Agenda Item 5. B.**

### **NES Juror Standards of Practice Work Group:**

To develop guidelines and best practices document for spoken and signed language interpreters interpreting for jurors in New Mexico.

Recommended Membership:

Sandra Caldwell, Las Cruces

Rosa Lopez-Gaston, Albuquerque

Isabel McSpadden, Santa Fe

Barbara Shaffer, Albuquerque

OTHER??

**Agenda Item 5.a**  
**1/11/13**

**Possible Procedures for Freelance Interpreter Performance Observations**

1. Conducted once every two years for certified court interpreters and justice system interpreters working at least X # of assignments in NM courts per year (based on prior year data). Based on certified and justice system interpreters in the current directory, this could be 60-80 in a two year period.
2. Conducted by certified court interpreters with a minimum of ten years interpreting experience who have also been responsible for training and/or supervising interpreters or interpreter candidates for a minimum of three years.
3. AOC will contract with two to five observer/evaluators at a rate of \$60.00 per hour for observation and review time and \$30.00 per hour for travel time. Per diem and mileage will also be paid consistent with the Court Interpreter Standards of Practice and Payment Policies.
4. Possible Option for Scheduling
  - a. Each observer/evaluator (O/E) would be scheduled with one District per month or quarter depending on # of evaluators.
  - b. During that month they O/E would check in with the courts in their assigned district (probably by week) regarding which interpreters are scheduled for assignments and when.
  - c. They O/E would plan their schedule on a weekly basis, posting the list of interpreters they plan to review for other evaluators. Completed evaluations (name only) would also be posted, in order to avoid evaluating the same interpreter twice.
  - d. This process would involve frequent coordination between O/E and between the O/Es and the AOC.

**New Mexico Administrative Office of the Courts**  
**Interpreter Observation**

Name of Interpreter being observed \_\_\_\_\_

Date of Observation \_\_\_\_\_

Language Observed \_\_\_\_\_ Name of Judge \_\_\_\_\_

Court \_\_\_\_\_

Case Name \_\_\_\_\_ Case Number \_\_\_\_\_ Case Type \_\_\_\_\_

Observing Interpreter Name: \_\_\_\_\_ E-Mail/Phone: \_\_\_\_\_

**Language proficiency**

Was the interpreter easily understandable in both languages?

<i>Significant problems</i>		<i>Some problems, but overall did not appear to interfere significantly with communication</i>						<i>No problems noted</i>		<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Were there any problems with vocabulary, grammar, or rendering of idiomatic speech?

<i>Significant problems</i>		<i>Some problems, but overall did not appear to interfere significantly with communication</i>						<i>No problems noted</i>		<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Notes & Examples:

**Interpreting skills**

Was the appropriate mode of interpreting used?

<i>Significant problems</i>		<i>Some problems, but overall did not appear to interfere significantly with communication</i>						<i>No problems noted</i>		<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Could the interpreter keep up without omitting or summarizing what was said?

<i>Significant problems</i>		<i>Some problems, but overall did not appear to interfere significantly with communication</i>						<i>No problems noted</i>		<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Was the register of speech preserved?

<i>Significant problems</i>		<i>Some problems, but overall did not appear to interfere significantly with communication</i>						<i>No problems noted</i>		<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Were names and numbers accurately conserved?

<i>Significant problems</i>		<i>Some problems, but overall did not appear to interfere significantly with communication</i>							<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Notes & Examples:

### Professional Conduct

Were verbal exchanges between the interpreter and the party or witness restricted to interpretation?

<i>Significant problems</i>		<i>Some problems, but overall did not appear to interfere significantly with communication</i>							<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Did the interpreter refrain from giving advice?

<i>Significant problems</i>		<i>Some problems, but overall did not appear to interfere significantly with communication</i>							<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Did the interpreter refrain from adding or modifying anything that was said?

<i>Significant problems</i>		<i>Some problems, but overall did not appear to interfere significantly with communication</i>							<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Did the interpreter refer to herself or himself properly in the third person when addressing the court?

<i>Significant problems</i>		<i>Some problems, but overall did not appear to interfere significantly with communication</i>							<i>No problems noted</i>	<i>Not Observed</i>
1	2	3	4	5	6	7	8	9	10	N/A

Notes & Examples:

### Demeanor and Rapport

Does the interpreter work well with other interpreters? Yes No Not Observed

Does the interpreter work well in a team interpreting environment? Yes No Not Observed

Does the interpreter communicate appropriately with court staff? Yes No Not Observed

Notes & Examples:

**Overall evaluation**

- ☐ Appears to be a skilled interpreter.
- ☐ Appears to be an adequate interpreter, but additional study and practice is indicated. Some caution should be exercised when assigning this interpreter.
- ☐ Problems appear to be severe. AOC's Language Access Services should further evaluate this interpreter's language knowledge and skills with structured testing.

**Additional Observations**

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**Interpreter's Comments**

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Date discussed with interpreter \_\_\_\_\_

Recommended Follow-up: 6 months ☐ 12 months ☐ ASAP ☐

\_\_\_\_\_  
Signature of Interpreter (following discussion)

\_\_\_\_\_  
Signature of Observing Interpreter

Date \_\_\_\_\_

Date \_\_\_\_\_

# Administrative Office of the Courts

Supreme Court of New Mexico

Arthur W. Pepin, Director  
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Agenda Item #7

## **New Mexico Court Interpreter Certification Testing Policies**

(As approved by the Court Interpreter Advisory Committee 3/12/10; rev 5/14/2010; rev \_\_\_\_\_)

**Step 1:** All candidates must complete the New Mexico Court Interpreter Orientation and Introduction to the Modes of Interpreting workshop prior to taking the written examination.

**Step 2:** Certification candidates must receive a passing score of 80% on the Consortium Written Exam prior to be invited to sit for the Oral Certification Examinations.

Candidates must wait six months prior to retaking the written examination-version 2 if they fail to pass with a score of 80% or better.

Candidates who pass the Written Examination may move forward to the oral examinations at any time within a three year period. If they do not begin the oral examination process within three years of passing the written exam, they must start the process over beginning with the orientation and modes of interpreting workshops (step 1).

**Note:** Languages With No NCSC Certification Examinations, skip to Addendum 1

**Step 3:** Certification candidates must receive a passing score of 70% on the Simultaneous Examination prior to being invited to sit for the Consecutive and Sight Translation Examinations. If a candidate scores below 70% on the simultaneous exam they must complete at their own expense the NMCLA Skills Building On-Line Workshop prior to registering to retake the simultaneous examination.

Candidates who pass the Simultaneous Examination must sit for the Consecutive and Sight Translation Examinations within twelve months of having the Simultaneous Examination. If they fail to initiate Step 3 of the certification process within twelve months, they will be required to retake the Simultaneous Examination.

Step 4: Certification candidates must receive a passing score of 70% on the Consecutive Interpreting Examination and both sections of the Sight Translation Examination.

Candidates who pass either Sight Translation or Consecutive Interpreting, but not both examinations, which are given together, must retake both Sight Translation and Consecutive.

Step 5: Once having passed all four exams, Steps 2-4, interpreters must comply with the New Mexico Administrative Office of the Courts Post Certification Training, application, and background check requirements prior to being included in the NM Directory of Certified Court Interpreters.

#### Addendum 1:

Candidates who successfully, according to standards set by the New Mexico Court Interpreter Advisory Committee\*, complete the OPI in English and their other language and who have also completed NM Court Interpreter Orientation and passed the Consortium written exam be considered certified by the New Mexico Administrative Office of the Court, be included in the Directory of Certified Court Interpreters, and receive the certified rate of pay.

Standards (approved 9/10/10)

##### Justice System Interpreter Qualification

Individuals testing via the Oral Proficiency Interviews must receive at minimum Advanced High in English and Advanced High in their other language in order to be qualified as Justice System Interpreters by the New Mexico Court Interpreter Program.

##### Court Certification Qualification

Individuals testing via the Oral Proficiency Interviews must receive Superior Scores on both English and their other language in order to have "passed" the examinations at the level required for certification by the New Mexico Court Interpreter Program.

#### Addendum 2:

- Candidates may take the oral examinations twice in a ten-month period, assuming they are taking a different version of the examination. Candidates who fail an examination for which there is no alternate version must wait a full twelve months prior to retaking the oral examination.
- If a candidate scores 65% or better, but fails to pass an oral examination, they may request re-rating of the examination at their expense. The request for re-rating must be made within 30 days of the candidate's receipt of their exam scores.



Agenda Item 8 a.

# New Mexico Court Signed Language Interpreter Standards

Categories and Standards	
Certified: Legal Specialist	
Deaf Interpreters	Hearing Interpreters
Conditional Legal Interpreting Permit: Relay (CLIP-R)	Specialist Certificate: Legal (SC:L)
Certified Deaf Interpreter (CDI)	
New Mexico Community License	New Mexico Community License
AA Degree or alternative pathway (BA in 2016)	BA Degree or alternative pathway
AOC Application	AOC Application
Background check	Background check
NM State Court Interpreter Seminar	NM State Court Interpreter Seminar
20 hours (2 CEUs) legal training in each 4-year RID CMP cycle	20 hours (2 CEUs) legal training in each 4-year RID CMP cycle
4 hours (.4 CEUs) ethics training in each 4-year RID CMP cycle	4 hours (.4 CEUs) ethics training in each 4-year RID CMP cycle
Certified: Legal Qualified	
Deaf Interpreters	Hearing Interpreters
Certified Deaf Interpreter (CDI)	RID Generalist Certification
New Mexico Community License	New Mexico Community License
Legal Training sufficient for SC:L Written test	Pass SC:L Written Test
AA Degree or alternative pathway (BA in 2016)	BA Degree or alternative pathway
AOC Application	AOC Application
Background check	Background check
NM State Court Interpreter Seminar	NM State Court Interpreter Seminar
20 hours (2 CEUs) legal training in each 4-year RID CMP cycle	20 hours (2 CEUs) legal training in each 4-year RID CMP cycle
4 hours (.4 CEUs) ethics training in each 4-year RID CMP cycle	4 hours (.4 CEUs) ethics training in each 4-year RID CMP cycle
Certified: Legal Apprentice	
Deaf Interpreters	Hearing Interpreters
New Mexico Provisional License	RID Generalist Certification
CDI Training sufficient to take CDI Written test	New Mexico Community License
AA Degree or alternative pathway (BA in 2016)	BA Degree or alternative pathway
AOC Application	AOC Application
Background check	Background check
NM State Court Interpreter Seminar	NM State Court Interpreter Seminar
20 hours (2 CEUs) legal training in each 4-year RID CMP cycle	20 hours (2 CEUs) legal training in each 4-year RID CMP cycle
4 hours (.4 CEUs) ethics training in each 4-year RID CMP cycle	4 hours (.4 CEUs) ethics training in each 4-year RID CMP cycle
No trials or jury	No trials or jury

## **Agenda Item 8.b**

### **DRAFT 4 –**

#### **Continuing Education and Credential Verification Policy for Signed Language Interpreters**

All signed language interpreters working in the New Mexico State Courts are nationally certified by the Registry of Interpreters for the Deaf (RID) and therefore subject to the RID Certification Maintenance Program (CMP). CMP standards are more stringent than those established by the New Mexico Administrative Office of the Courts, and based on a different timetable. Additionally, all signed language interpreters in New Mexico are required to be licensed by the State of New Mexico Regulation and Licensing Department. Having one policy for both spoken and signed language interpreters has created confusion, and it was decided that a separate policy and procedure would be more effective. Below is the draft of the policy specifically for signed language interpreters.

#### **I. Purpose**

Signed language interpreters working in the New Mexico State Courts must meet standards of continuing education and credentialing established by the New Mexico Language Access Advisory Committee, following the recommendations of the New Mexico Commission for Deaf and Hard of Hearing Legal Interpreting Task Force. These rules apply to all signed language interpreters approved for work in the New Mexico State Courts in all categories.

#### **II. Reporting Requirements**

- a. This policy becomes effective January 1, 2013.
- b. Interpreters will work with the Administrative Office of the Courts (AOC) Signed Language Interpreter Coordinator to determine the starting point for their reporting requirements and appropriate proration based on their CMP cycle.
- c. All documentation will be provided to the Signed Language Interpreter Coordinator at the times indicated in each section below.
- d. If any of these requirements are not met, the interpreter will not be considered to be in good standing with the AOC's continuing education policy and will not be scheduled for any assignments in the courts, or receive a new photo identification badge. It is the interpreter's responsibility to inform the Coordinator once the he or she has satisfied the requirements and submit the necessary documentation in order to be scheduled for interpreting.
- e. If an interpreter is out of compliance for one year, he or she will no longer be considered AOC approved. If he or she wishes to return to court interpreting, the application process will have to be re-initiated.

#### **III. Continuing Education Requirements**

- a. Each interpreter shall comply with the requirements established under the Registry of Interpreters for the Deaf (RID) Certification Maintenance Program (CMP).
  - i. 80 hours (8.0 CEUs) of continuing education per four-year CMP cycle
    - 1. A copy of the interpreter's RID Transcript will be submitted on December 31 of the year in which the interpreter's CMP cycle ends.
  - ii. Included in the 80 hours, the interpreter must document:
    - 1. 4 hours of ethics training (0.4 CEUs)
    - 2. 20 hours of legal training (2.0 CEUs)
    - 3. These hours must be highlighted on the RID transcript when it is submitted.

#### **IV. Credential Verification Requirements**

- a. By July 1 of each year, each interpreter must submit a copy of his or her current RID card verifying certification status.
- b. By October 1 of each expiration year, each interpreter must submit a copy of his or her New Mexico Community Signed Language Interpreter License.

# Administrative Office of the Courts

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## Agenda Item #9

Note: The following project was approved by the Chief Justice in the spring of 2012 and submitted to SJI for possible funding. It was not funded then, but we are able to use some of the remaining SJI technical assistance grant funds to move forward with the project in 2013.

Possible members of Project Team for LAAC consideration as recommendations to Supreme Court: Judith Finfrock, Second JD; Katina Watson, Twelfth JD; Tina Sibbett, Access To Justice Commission; Dana Cox or Leslie Padilla, Metropolitan Court (they've already translated many documents); Celia Ludi, First JD; Judge Klingman, 5<sup>th</sup> JD (accept documents in Spanish); David Levin, Second JD Court and/or other representatives of the ADR Commission; Priscilla Quinones, Program Manager, DWI Drug Court, Dona Ana Co. Magistrate Court; Reynaldo Garcia, Program Manager, Adult and Juvenile Drug Courts, 8th Judicial District; and Crystal Hyer, Thirteenth JD. It is also recommended that the Project Team include the two certified translators who have been translating the language access plans and other related documents and are developing a standard Spanish/English lexicon for the NM Courts, Isabel Guerra-McSpadden and Claudia Ross.

### **The NM Judicial Translation Project**

New Mexico courts reflect the state's multicultural heritage and are committed to equal access to justice for all New Mexico residents. The courts have a strong record of service to all regardless of socio-economic status, ethnicity, or ability to speak or understand English. With the support of a Technical Assistance Grant from the State Justice Institute (SJI), the NM Supreme Court is currently developing online interactive forms for public use through the Law Help NM website. With additional SJI support over the last three years, the NM Judiciary/AOC has been striving to bring state courts into compliance with state and federal language access requirements, including program enhancements such as (a) certification of bilingual employees to provide meaningful language access and (b) technical assistance to courts to develop court-specific language access plans. A critical issue in these efforts is the translation of court documents into languages other than English and the related issue of the acceptance of documents submitted to the court in languages other than English, particularly documents generated by self-represented litigants (SRLs). These issues must be addressed in the ongoing automation of SRL forms to ensure equal access to justice *and* accessibility for all NM residents.

The goal of this project to develop recommendations to the NM Supreme Court regarding the translation of court documents and the acceptance and processing of legal documents submitted to the court in languages other than English. Current practices vary widely: some courts provide translated forms and also accept documents submitted in Spanish, translating them internally for court processing, while others do not provide (or accept) any translated documents to/from SRLs.

The NM Judicial Translation Project will bring together appropriate stakeholders, including judges, court administrators, staff of pro se clinics and self-help centers, staff attorneys, the NM Access to Justice Commission, and legal service providers to ensure that issues are identified in the broadest terms possible and that resulting recommendations are reasonable, fair, practical and achievable in today's economy. The Project Team will analyze and evaluate translation policies and projects in other states such as California

and New York.

Expected outcomes/recommendations include:

1. Identification, prioritization, and standardization of SRL forms and other court documents to be translated and the languages into which they should be translated (in coordination with the ongoing SJI-funded interactive forms effort);
2. Development of best practices, process and procedures governing the acceptance and translation of documents submitted to the courts in languages other than English, as well as evaluation and outcome measurements of the impact of the translation process on court efficiency and on access to justice; and
3. A fiscal impact statement that enumerates resources needed and the projected cost of enacting these measures, plus a timeline, not to exceed three years to complete the translations according to the prioritization approved by the Supreme Court.

The Project Team will utilize the recently approved *ABA Standards for Language Access in the Courts* and Consortium for Language Access in the Courts' *Guide to Translation of Legal Materials*.